

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Albert Thompson,	)	C/A No.: 1:12-3571-RBH-SVH
	)	
Plaintiff,	)	
	)	
vs.	)	Order with Remand
	)	Pursuant to Sentence Six
Carolyn W. Colvin, Acting	)	of 42 U.S.C. § 405(g)
Commissioner of Social Security,	)	
	)	
Defendant.	)	
	)	
	)	

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This matter comes before the court on the motion of the United States of America (“USA”) [Entry#6], pursuant to sentence six of 42 U.S.C. §405(g), to remand this cause for further administrative proceedings. Sentence six of § 405(g) provides in full:


The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security, and it may at any time order additional evidence to be taken before the Commissioner of Social Security, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding; and the Commissioner of Social Security shall, after the case is remanded, and after hearing such additional evidence if so ordered, modify or affirm the Commissioner's findings of fact or the Commissioner's decision, or both, and shall file with the court any such additional and modified findings of fact and decision, and, in any case in which the Commissioner has not made a decision fully favorable to the individual, a transcript of the additional record and testimony upon which the Commissioner's action in modifying or affirming was based.

42 U.S.C. §405(g).

In its motion, the USA represents that remand would be appropriate in this case because significant portions of the recording of the hearing before the Administrative Law Judge (“ALJ”) held on July 13, 2011, are inaudible. [Entry #6 at 1]. The USA indicates that on remand, the Appeals Council will remand the case to an ALJ for a *de novo* hearing. *Id.* The motion represents counsel for the USA has discussed its motion to remand with Plaintiff’s counsel, Paul T. McChesney, who stated Plaintiff had no objection. *Id.*

For good cause shown, this matter is remanded to the Commissioner of Social Security for further proceedings pursuant to sentence six of 42 U.S.C. §405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991). No judgment shall be entered in this matter at this time.

IT IS SO ORDERED.



May 31, 2013  
Columbia, South Carolina

Shiva V. Hodges  
United States Magistrate Judge